

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

AKTHAM ABUHOURLAN,  
Plaintiff,

vs.

FLETCHER ALLEN HEALTH CARE INC;  
UNIVERSITY OF VERMONT; DR. MICHAEL  
A. HORGAN Surgen; DR. TIMOTHY LINK;  
DR. DAVID NATHAN MD. AND PASSIAC  
COUNTY JAIL; CORRECTIONAL HEALTH  
SERVICES; MEDICAL STAFF AND KNOWN  
AND UNKNOWN CORRECTIONAL OFFICERS;  
THE WARDEN OF PASSIAC COUNTY JAIL  
NEW JERSEY PUBLIC DEFENDERS OF  
NEW JERSEY; AND ATTORNEY PETER M.  
CARTE; JOHN DOE, et.al.

Defendants.

CIVIL ACTION NO:

07-5708 (DMC)

JURY TRIAL DEMANDED

CIVIL RIGHT ACTION UNDER 42 U.S.C. §1983  
AND MEDICAL LEGAL MALPRACTICE ACTION

Plaintiff Aktham Abuhouran, (hereinafter plaintiff) file this his Civil right Complaint, Medical Malpractice, and Legal Malpractice against defendants Fletcher Allen Health Care Inc, University of Vermont affiliation of "FAHC"; Dr. Michael A. Horgan surgen and Dr. Timothy Link, assistant to Dr. Horgan; Dr David Nathan M.D. at the "FAHC" ; Passiac County Jail; Correctioanl Health Services; known and unknown health staff and correctional officers at the Passiac County Jail, the Warden of Passiac Copunty Jail, and the State of New Jersey.

In addition, defendants New Jersey Public Defenders Office and attorney Peter M. Carte, John Doe, et.al. (collectively defendants).

This action based on Diversity of Citizenship between the defendants Fletcher Allen Health Care Inc, and its affiliates University of Vermont, Dr. Michael A. Horgan; Dr. Timothy Link; and Dr. David Nathan.

This action also based on Violation of Constitutional rights protected under the Eight Amendment and the Fifth Amendment to the United States Constitutions under Title 42 U.S.C. §1983, and Bivens claim. Plaintiff invoke Title 28 U.S.C. §1331 and §1332. Defendants Passiac County Jail, Correctional Health Services, its known and unknown staff, of health officers and correctional officers who participated in the violation. Plaintiff will amend this complaint by adding the correct names of officers/staff whom was on duty on the dates of November 15 through 20, 2006, while the plaintiff was detained at the Passiac County Jail.

**WAIVER OF THE FILING FEES UNDER 28 USC §1915 (b).**

Plaintiff invoke section 1915 (b) because of his inability to pay the filing fees associated with this action. The plaintiff was released from custody on April 24, 2007, the plaintiff medical condition is serious and cannot find an employment to suite his ability and preformance of hard labor. Plaintiff suffers debilitating medical problems, and has no substantial income or assets.

He relies on support of friends and family and lacks funds to pay the \$350.00 filing fees for this action. Plaintiff prays that this court will grant this request to proceed in forma pauperis status copy of financial affidavit attached herein this complaint.

Plaintiff respectfully request that this court grant this request to proceed under 28 U.S.C. §1915(c), providing that officer of the court to serve all process, and perform all duties in this forma pauperis case.

**TIMELINESS OF THIS COMPLAINT:**

As to claims against defendants Fletcher Allen Health Care Inc and the doctors involved in the performance of surgery on plaintiff's spinal cord is governed by the Statute of limitation of the State of Vermont which is three (3) years. This complaint is timely since the surgery took place on October 25, 2004 less than three years.

As to the rest of the defendants the statute of limitation is governed by New Jersey Statute of limitation which is 2 years from the date of the violation. The violations took place on November 15, through November 20, 2006. It is well before the statute of limitation period.

**JURISDICTION & VENUE: I.**

1. This Court has subject matter Jurisdiction over this action pursuant to 28 U.S.C. §1331 and §1332, and pursuant to *Bivens vs. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and under 42 U.S.C. §1983. Plaintiff invoke the pendent Jurisdiction of this Court under the diversity of Citizenship. Venue is proper where the events giving rise to plaintiff's Claims occurred in this Judicial District 28 U.S.C. §1391.

**PARTIES TO THIS COMPLAINT II.**

2. Plaintiff, **Aktham Abuhouran**, is a Citizen of the State of New Jersey, in the City of Jersey City at 522 Central Avenue Apt#3 Jersey City, New Jersey 07307. Plaintiff was a former Federal Prisoner within the custody and care of the Bureau of Prisons from August 14, 1997 until April 24, 2007 when he was liberated.

3. Defendant Fletcher Allen Health Care Inc, in alliance with defendants University of Vermont, in Burlington, County Vermont. Is an entity created under the laws of the State of Vermont to provide health services to the public. At all times material to this complaint. It being sued in its business capacity and its affiliate with University of Vermont.(hereinafter "FAHC" ).

4. Defendant University of Vermont is an affiliated entity with defendant Fletcher Allen Health Care Inc, it maintains offices in the State of Vermont to facilitate business as a health care provider and Hospital. At all times material to this complaint and its being sued in its business and affiliate capacity.

5. Defendant Dr. Micahel A. Horgan, Surgeon Doctor at the Fletcher Allen Health Care Inc, and the University of Vermont he was the surgen who performed the Neurosurgery at Fletcher Allen Health Care Inc, and University of Vermont. At all times material to this complaint. He is sued in his personal and official capacities.

6. Defendant Dr. Timothy Link, Medical Doctor at the Fletcher Allen Health Care Inc, and University of Vermont. He was personally incharged of plaintiff medical care and observations. At all times material to this Complaint. He is sued in his personal and business capacity.

7. Defendant Dr. David Nathan Medical Doctor at the Fletcher Allen Health Care in alliance with University of Vermont. He was incharged of the plaintiff meical procedures during his hospitalization. At all times material to this complaint. He is sued in his busniess and personel capacity.

8. Defendant Passaic County Jail, in New Jersey. It is a part of the State of New Jersey Correctional Services with contracts with the U.S. Marshel to hold federal inmates and detainees. It is a division of the department of correction in the State of New jersey. At all times material to this Complaint its being sued as a componenet of the State of New Jersey and on its own capacity.

9. Defendant State of New Jersey is the superior incharge and creater of Passaic County Jail. It funded the cost and running of the facility. At all time material to this complaint. It is liable to the acts and misconduct of Passaic County Jail.

**10.** Defendants Health Services of Passiac County Jail also known as "Correctional Health Services" of Passiac County Jail its medical staff and Administrator at all times material to this Complaint they are being sued in their individual and official capacity.

**11.** Defendant New Jersey Public Defenders, is a legal entity created under the laws of the State of New Jersey and the Federal Laws in providing legal assistance to indigents defenders at all times material to this Complaint and its being sued in its business capacity.

**12.** Defendant Peter M. Carte, an attorney lisenced in the State of New Jersey and the New Jersey State Bar. He is employed by the New Jersey Public Defenders office in Newark, New Jersey at all times material to this Complaint. He is sued in his personell capacity and official capacity.

**13.** Defendant John Doe, for known and unknown defendants in this action participated in the Constitutional violation at all times material to this complaint. He is sued in his personall capacity and official capacity.

**STATEMENT OF FACTS III.**

14. Following a Jury trial in late 1996, the Plaintiff was sentenced to 109 months of imprisonment on bank fraud charges, money laundering, perjury charges in the Eastern District of Pennsylvania in Criminal Case No: 95-0560-04. The Plaintiff was remanded to the custody of the attorney general on August 14, 1997.

15. On April 26, 2002 the Plaintiff was charged in 2nd indictment in the Eastern District of Pennsylvania criminal case 01-629-04 on charges similar to the charges in the 1st case, bank fraud, conspiracy, to commit and other related charges. The Plaintiff pleaded guilty to a 24 months sentence in which to run consecutive with the 1st sentence. However, the Court imposed a sentence outside the agreement due to government alleged breach of the plea agreement. The District court imposed 42 months to be consecutive and 18 months to be concurrent to the old sentence.

16. On March, 2004 the Plaintiff was returned back to his initial institution where he was being housed by the Bureau of Prisons at "FCI, Raybrook" New York.

17. From March, of 2004 until October 25, 2004 the Plaintiff was suffering from medical problems and complications as a result of "FCI, Raybrook" deliberate indifference to his medical need and deliberate delays and prolonging in treatment by an outside specialist for his medical needs.

18. On October 25, 2004 the Plaintiff was rushed to an emergency room Hospital after he lost the ability to walk and move his lower body. Because of medical staff negligence and wrongful misconduct. An emergency Spinal Cord Decompression for Intradural Abscess surgery was performed at the "Fletcher Allen Health Care" "FAHC" in Burlington County in the State of Vermont. The injury caused the plaintiff to become paralyzed.

19. On October 25, 2004 defendant Dr. Michael A. Horgan M.D. Assistant Professor of Neurosurgery performed the surgery on Plaintiff with the assistance of Dr. David Nathan, M.D. and Dr. Timothy Link, M.D.

20. During the surgery procedure Dr. Michael A. Horgan ordered an "Acid-Fast Bacteria" smear or culture at the time of surgery.

21. On October 25, 2004 defendant "Fletcher Allen Health Care" through its Pathology department provided only "an aerobic culture of the abscess and failed to demonstrate any growth.

22. On October 26, 2004 general progress notes initiated by I.D. fellow not #9580 noting the possibility of the cause to plaintiff abscess is from "Mycobacterium Tuberculosis Bovis" or "MTB"

23. On October 26, 2004 at 900.am Dr. Michael A. Horgan attending neurosurgen sopke with Dr. Marini the Clinical Director from "FCI Raybrook" and informed her of what he had found during the surgery "he found a large compressive abcess" (etiology is unknown".



24. On October 26, Defendants "FAHC" noted in their general progress notes signed by fellow ID#9580 "need to make sure that Mycobacterium Tuberculosis Bovis "MTB" abscess is not playing a role here". Swab was sent for regular bacterial culture only" .

25. On October 27 defendant Dr. Horgan and Dr. Link the neurosurgeon in plaintiff's surgery noted their concerns for "TB" Tuberculosis.

26. On November 2, 2004 Dr. D. Marini the Clinical Director of the "FCI Raybrook" was in contacts with Defendant Michael Horgan, the neurosurgeon at "FAHC" and defendant Horgan declined to have the Plaintiff be treated for possible extrapulmonary Tuberculosis. on the same day Dr. Marini \*1 was contacted by the Clinical Director of the Bureau of Prisons in Washington, D.C. and advised him of the decision that Dr. Horgan made regarding treatment for possible extrapulmonary Tuberculosis.

27. On November 4, 2004 the Plaintiff was airlifted from the "FAHC" in Vermont to Fort Devens in Boston for further evaluation and rehabilitation treatment.

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\*1 Dr. D. Marini was the Clinical Director at the FCI raybrook, she was fully incharged of the day to day decisions by the neuroserguns at the Fletcher Allen Health Care in Vermont where the plaintiff under went his nuresergical operation.

28. As of November 4, 2004 no "Acid-fast bacteria was done nor cultures were done at the time of surgery so it will aid the infection disease to determined the cause of the Intradural Abscess surgery that causes Plaintiff of being paralyzed.

29. As of November 4, 2004 no treatment was afforded to the Plaintiff regarding "Mycobacterium Tuberculosis" "TMB" despite repeated concerns by all specialists over the possibility of "MTB" role in this abscess development.

30. As of November 4, 2004 the defendants "FAHC" and Dr. Horgan, Dr. Link and Dr. Natal, failed to diagnose and trat the underlying etiology of the abcess that causes the neurological defect.

31. As a result of the neurological surgery the plaintiff motor functioning was deminished to less than half of his normal functioning ability prior to the surgery.

32. As a result of the nerological surgery the plaintiff will remain partialllly paralyzed and his ability is limited to a bare minimum.

33. As a result of the failure to properly culture and identify the causitive agent to the abcsess, the Plaintiff remains in continous jepordy of a recurrence as the test for Tubercolosis and anerobic bacteria were never performed.

34. As a result of the failure to properly culture and identify the causitive agent that causes the abscess. The plaintiff incurred a severe life-threatening illness.

35. On November 22, 2005 the District Court in case number 01-629-004 modified plaintiff's sentence pursuant to Rule 35, so that it reflect only 24 months to ran consecutive to the 1st case and 36 months to ran concurrent with the 1st sentence.

36. On June 15, 2006 the Palintiff was scheduled to be released to a half-way house according to the Bureau of prisons calculations in anticipation for November 22, 2006 final release date.

37. On November 2, 2006 the district court issued another order to accomodate its initial order by clairfiying its original order to the Bureau of Prisons.

38. On November 7, 2006 "Federal Medical Correctional facility Ft. Devens, misinterpreted the court order and ordered the immediate release of plaintiff on that date.

39. Subsequest to the release date the plaintiff was able to secure an apartment and employment and began to reestablish his family ties. The Plaintiff remained under supervision of the Probation officer in Newark, New Jersey for aditional three years after his release date.

40. On November 15, 2006 the Plaintiff was contacted by the Probation officer to meet with the plaintiff in Newark New Jersey at 11:am that day. Plaintiff was arrested by two United States Marshals at the Probation Office where the meeting was sechudule the arrest was made because the Bureau of Prisons made mistake in its calculation of plaintiff's sentenc This according to the Probation officer.

41. On November 15, 2006 Upon the arrival of the Plaintiff to the Probation office in Newark. He was arrested by two U.S. Marshals officers because of mistake made by the Bureau of Prisons in releasing the Plaintiff. The Plaintiff as accompanied by his Sister due to his medical condition of being level care of 4, the Plaintiff was taken to Passiac County Jail in Passiac New Jersey.

42. On November 16, 2006 the plaintiff was before the U.S. Magistrate Judge, Esther Salas in the District of New Jersey of Newark New Jersey. The Court appointed the New Jersey Public Defenders office to represent the Plaintiff. Mr. Peter M Carte was assigned to the Plaintiff.

43. Subsequent to the Magistrate Hearing Mr. Carte was fully aware of plaintiff's medical condition and the urgent need for medical care and medications.

44. During the Magistrate Hearing in which was concluded with the decision that Plaintiff be returned back to his institution, the Plaintiff made the Magistrate aware of his medical condition and the Magistrate decided to deal with this issue of the record.

45. New Jersey Public Defenders office and Mr. Carte, was fully aware of plaintiff's longstanding medical history and the medications he is under.

46. New Jersey Public Defenders office and Mr. Carte at all times were fully aware of Plaintiff being Diabetic problems and Hypertension, Hyperlipidemia and history of cardiac arrhythmia in addition to his recent neurosurgery on his spinal cord that left him partially paralyzed with loss of his ability to function normally. They were fully aware of all his medical complications.

47. During November 16 hearing the Plaintiff urged his appointed Counsel to seek his release and self surrender himself to "FMC Devens" without going through the hardship of being transferred through the system and layin County jails.

48. On November 15,2006 the Plaintiff was eligeble to his half-way house. His maximum release date as per the bureau of Prison's new calculations was April 24,2007. The plaintiff was entitled by Policy Statement to a Six months (6) half-way house.

49. Between November 15,2006 to November 20,2006 the Plaintiff was subjected to gratutious physical, mental and emotional torture for the entire period of five long harrowing days at the Passaic County Jail.

50. From November 15 through November 20,2006 the plaintiff was denied medical care, medication and had not been seen by any medical staff at the Passiac County Jail.

51. Plaintiff receives diabese medications that is a must he received twice daily. He was prescribed highblood pressur medication that he was denied during his 5 days at the passaic County jail. Plaintiff was denied completely any and all medical treatment or medications as he has repeatedly requested from the Passiac County Jail staff upon his arrival and during his stay in the five days period.

52. Plaintiff have limited medical restrictions because of his recent spinal cord surgery. He was forced to be shackled tightly by his ankles and hand-kuffed by the hand for the entire five days while he was sitting on concrete benches and metal benches.

53. Plaintiff during the period of five days from November 15, 2006 until November 20, 2006 suffered swelling in his legs, bruised weakness and numbness increased significantly. Plaintiff began to experiencing severe back pain, pain in his shoulders, significant imbalance. The Plaintiff suffered sugar craches as a result of his diabetese condition and the lack of medical care and balanced meals for diabetese patients.

54. Defendant New Jersey Public Defenders office and Mr. Carte, failure to request the release of Plaintiff based on his medical condition was the cause of plaintiff's pain and suffering from the unwanton inflictions of pain he received during the five days period he spend at the county jail.

55. Defendant New Jersey Public Defenders office and attorney Peter M. Carte silence about the plaintiff's asserted medical condition made it reasonably foreseeable that he will be harmed and injured in going through transferrs without medical assistance.

56. Defendat New Jersey Public Defenders and attorney Peter M. Carte were fully aware of plaintiff's medical condition and his care level that required medical staff assistant.

57. Defendant New Jersey Public Defenders and attorney Peter M. carte silence on the issue of releasing the plaintiff since he was entitled to a half-way house subjected the plaintiff to permanant injuries and unwanton pain and suffering.

58. Defendant New jersey Public defenders and attorney Peter M. Carete failure to insure that Plaintiff's medication be provided to him at once, Since they were fully aware of his multiple medical problems and his recent neurosurgery.

59. Defendants New jersey Public defenders and attoreny Peter M. Carte failure to insure the court intervention to have the plaintiff medication be provided on the same day.

60. Defendant New Jersey Public defenders and attorney Peter M. Carte were advised by the plaintiff of his urgent needs for his medication, when Plaintiff notified the Magistrate Judge in the November 16,2006 hearing. The Magistrate left the matter of the record and directed the attorney to make the appropriate mesaures to accomedate plaintiff's medical needs.

61. Defendant New jersey Public defenders and attorney Peter M. Carte failure to secure plaintiff's diabetice medications made the plaintiff missed his dosages for five days, he suffered direct physical harm as well as residual physical injury from the long-term cumulative effects of being forced to miss his medication.

62. Defendant New Jersey Public defenders office and attorney Peter M.Carte, were at all times aware of the plaintiff's multiple medical conditions, including diabetes and high blood pressure, and his neurosurgery that left him paralyze from the waste down. They well known the immediate negative effects and serious long-term medical consequences which result from missed or late dosages of medications for diabetes and high blood pressure.

63. From November 15,2006 through November 20,2006 defendants Passiac County Jail, known and unknown medical staff and correctional officers were aware of plaintiff's medical condition through plaintiff's repeated requests to have his diabetes and high blood pressure medications.

64. During the period of November 15 through November 20 the plaintiff was not provided with any medical assistance of any kind, despite his repeated request for his medications.

65. Defendants Passiac County Jail and Correctional health services denied palintiff's repeated requests for his medications and to be seen by any medical staff.

66. Defendants Passiac County Correctional officers whom their names unknown at this time were fully aware of plaintiff's medical comlications and needs for his diabetease and high blood pressure medications.

67. Defendants Passiac County Jail, its correctional health services, correctional staff members known and unknown were fully aprised of plaintiff's medical condition through the U.S. Marshals staff whom they brought plaintiff to that facility.

68. Defendant the State of New Jersey is the entity that created Passiac County Jail and fuded its operations. The defendant Passiac County Jail is a component of New Jersey Department of Correction whic is an entity created by the State of New Jersey.

69. Defendants Passiac County Jail, Correctional health services, Correctional Staff, and the State of New Jersey denied the Plaintiff the medical care that is mandatory required and subjected him to long-term injuries and the unwanton pain and suffering.

70. Defendants Passiac County, the State of New Jersey correctional health services, known and unknown staff made the plaintiff missed his daibetese, high blood pressuer for 5 days



he suffered direct physical harm as well as residual physical injury from the long-term cumulative effects of being forced to miss his medications.

71. Defendants Passaic County Jail, Correctional Health Services, the State of New Jersey and its employees working under color of State at all times were fully aware of Plaintiff's medical condition, the need for his medications and ignored the risk and harm to the Plaintiff.

72. Defendants Passaic County Jail, Correctional Health Services, the Warden of the Passaic County Jail, known and unknown staff left the plaintiff without any medical care, including but not limited to his diabetic medications and high blood pressure medications. His severe neurological surgery and the need for a special medical assistance at all times. Plaintiff suffered and will continue to suffer injuries to his body, heart, kidneys, vision among other long-term complications.

**FIRST CAUSE OF ACTION: MEDICAL MALPRACTICE: IV.**

73. Plaintiff refers to and incorporates by reference the allegations contained in paragraph 1 through 72 of this complaint the same as if they were repeated here in full.

74. Defendants "Fletcher Allen Health Care Inc" is the hospital that performed the neurosurgery on the Plaintiff on October 25, 2004 had committed Medical Malpractice in their failure to diagnose and treat the underlying etiology of the abscess that caused the neurological defect.

As a result of failure to properly culture and identify the causative agent, the plaintiff remains in continuous jeopardy of a recurrence of the developing of another abscess on his spinal cord, and recurrence as the test for tuberculosis and anaerobic bacteria were never performed.

75. The defendants actions constitute Medical Malpractice by their failure to properly identify the causative agent that developed abscess on plaintiff's spinal cord

76. The defendants actions constitute Medical Malpractice in their failure to diagnose and treat the underlying etiology of the abscess that causes the neurological defect.

77. As a direct and proximate result of defendant's Medical Malpractice, the plaintiff suffered injuries, including but not limited to future ability to prevent of recurrence of abscess on his spinal cord.

78. As a direct and proximate result of defendant's Medical Malpractice in their failure to diagnose and treat the underlying etiology of the abscess, the plaintiff suffered injuries, including but not limited to loss of enjoyment of life, loss of income, emotional and Psychological pain and suffering that the abscess will recurrence at any moment.

79. Plaintiff seeks compensatory damages from defendant "Fletcher Allen Health Care Inc," for their Medical Malpractice the amount of \$10,000,000. (Ten million U.S. Dollars)

SECOND CAUSE OF ACTION NEGLIGENCE: V.

80. Plaintiff refers to and incorporate by reference the allegations contained in paragraph 1 through 79 of this complaint the same as if they were repeated here in full.

81. Defendant "Fletcher Allen Health Care Inc," actions in their failure to properly diagnose and treat the underlying etiology of the abcess taht cause plaintiff's neurological defect constitute negligence.

82. As a direct and proximate result of defendant's negligence in their failure to diagnose and treat the underlying etiology of the abcess, the plaintiff suffered injuries, including but not limited to the ability to prevent recarreance of the abcess.

83. As a direct and proximate result of defendant's negligence in their failure to properly identify the acusitive agent that developed the abcess, the plaintiff suffered and will continoue to suffer injuries including but not limited to loss of enjoyment of life, loss of income, emotional and psychological pain and suffering.

84. Plaintiff seeks compensatory damages from defendant "Fletcher Allen Health Care Inc," for negligence the amount of \$10,000,000.(Ten million dollars).

THIRD CAUSE OF ACTION RECKLESSNESS/DISREGARD VI.

85. Plaintiff refers to and incorporate by reference the allegations contained in paragraph 1 through 84 of this complaint the same as if they were repeated here in full.

86. Defendant "Fletcher Allen Health Care Inc," actions and their failure to diagnose and treat the underlying etiology of the abscess that causes the neurological defect constitute recklessness/disregard to plaintiff's life and safety. As a result of failure to properly culture and identify the causative agent, the plaintiff remains and continues jeopardy of recurrence of another abscess as the test for tuberculosis and anaerobic bacteria were never performed.

87. The defendant actions constitute recklessness/disregard to the plaintiff life and safety when they failed to diagnose and treat the underlying etiology of the abscess that causes the neurological defect.

88. As a direct and proximate result of defendant's recklessness/disregard, the plaintiff suffered injuries, including but not limited to enjoyment of life, loss of income, emotional and psychological pain and suffering in not knowing when and if the abscess will recurrence again.

89. As a direct and proximate result of defendant's recklessness/disregard, to his life and safety, the plaintiff remains in continues jeopardy of a recurrence as the test for tuberculosis and anaerobic bacteria were never performed.

90. Plaintiff seeks compensatory damages from defendant "Fletcher Allen Health Care Inc" for their reclessness/disregard to plaintiff's life and safety the amount of \$10,000,000. (Ten million dollars).

FOURTH CAUSE OF ACTION BREACH DUTY OF CARE : VII:

91. Plaintiff refers to and incorporate by reference the allegations contained in paragraph 1 through 72 of this complaint the same as if they were repeated here in full.

92. Defendant "Fletcher Allen Health Care Inc" actions in their failure to diagnose and treat the underlying etiology of the abcess that causes the neurological defect constitute breach duty of care they owed to the plaintiff.

93. Defendant action in failure to diagnose and treat the underlying etiology of the abcess, and their failure to identify the causitive agent of the abcess left the plaintiff open for recarrence of another abcess. The defendant has a duty of care to insure the well being and the safety of the plaintiff while he is under their care. The defendant breached that duty in their failure to treat and identify the causitive agent that developed the abcess.

94. As a direct and proximate result of defendant's breach duty of care, the palintiff suffered injuries including but not limited to enjoyment of life, loss of income, emotional and psychological pain and suffering.

95. As a direct and proximate result of defendant's breach duty of care, the plaintiff remains in continuous jeopardy of a recurrence as the test for tuberculosis and anaerobic bacteria were never performed.

96. Plaintiff seeks compensatory damages from defendant "Fletcher Allen Health Care Inc," for their breach duty of care owed to the plaintiff in the amount of \$10,000,000. (Ten million U.S. Dollars).

FIFTH CAUSE OF ACTION GROSS NEGLIGENCE VIII.

97. Plaintiff refers to and incorporate by reference the allegations contained in paragraph 1 through 96 of this complaint the same as if they were repeated here in full.

98. Defendant "Fletcher Allen Health Care Inc," failure to diagnose and treat the underlying etiology of the abscess that causes the neurological defect constitute gross negligence.

99. Defendant "Fletcher Allen Health Care Inc," failure to identify the causative agent of the abscess constitute gross negligence, that left the plaintiff open for recurrence of another abscess.

100. As a direct and proximate result of defendant gross negligence the plaintiff suffered injuries including but not limited to enjoyment of life, loss of income, emotional and psychological pain and suffering.

101. As a direct and proximate result of defendant gross negligence the plaintiff remains in continuous jeopardy of a recurrence as the test of TB and anaerobic bacteria were never done.

SIXTH CAUSE OF ACTION OF MEDICAL MALPRACTICE/NEGLIGENCE/ GROSS NEGLIGENCE/ BREACH DUTY OF CARE/ RECLESSNESS/DISREGARD VIII.

102. Plaintiff refers to and incorporate by reference the allegations contained in paragraph 1 through 96 of this complaint the same as if they were repeated here in full.

103. Defendants Dr. Micahel A. Horgan, Dr. Timothy Link, and Dr. David Nathan, (collectively Doctors), performed the neurosurgery on plaintiff's spinal cord by removing an abcess from his spinal cord. The defendants doctors committed Medical Malpractice, negligence, gross negligence, breach duty of care, and reclessness disregard to plaintiff's life and safety when they failed to diagnose and treat the underlying etiology of the abcess that causes the neurological defect.

As a result of failure to properly culture and identify the causative agent, the plaintiff remains in continuous jeopardy of a recurrence of the developing of another abcess on his spinal cord, and recurrence as the test for tuberculosis and anaerobic bacteria were never performed.

104. As a direct and proximate result of defendants doctors the plaintiff suffered injuries, including but not limited to future ability to prevent the recurrence of the abcess.

105. As a direct and proximate result of defendants doctors medical malpractice, negligence, gross negligence, breach duty of care, and their reclessness disregard to plaintiff's health and safety, the plaintiff suffered injuries, including but not

limited to loss of enjoyment of life, loss of income, emotional and psychological pain and suffering. Their actions made it impossible for the palintiff to prevent the possobility of recarrence of the abcess.

106. Plaintiff seeks compensatory damages from defendants docters for their malpractice/ negligence/gross negligence/ breach duty of care and reclessness disregard to his life and safety, in the amount of \$10,000,000. (Tèn= million dollars).

SEVENTH CAUSE OF ACTION VIOLATIONS OF PLAINTIFF'S RIGHTS UNDER THE EIGHT AMENDMENT: X.

107. Plaintiff refers to and incorporate by refrence the allegations contained in paragraph 1 through 106 of this complaint the same as if they were repeated here in full.

108. Defendants Passiac County Jail, Correctional Haelth Services of Passiac County Jail, health services staff memebtrs known and unknown, Correctional officers on duty from November 15,2006 through November 20,2006 and the State of New jersey are State employees who were acting under color of law during the period in which Plaintiff was subjected to cruel and unusual punishment at the Passiac County jail in the City of Patterson, New Jersey.

109. Plaintiff serious medical needs have been described, and he was forced to missed his diabeteese medication for five days, he suffered direct physical harm as well as residual physical injury from the long-term effects of being forced to miss such medication, which constituted unnecessary and wanton infliction of pain.



On the hand of the defendants in ¶ 108, the plaintiff was denied medical treatment, he was denied to be seen by any medical staff, he was denied his diabetease, blood pressure, and other medications for a period of five days.

110. As a direct result of defendants' violations of the plaintiff's specific constitutional right to be free from cruel and unusual punishment under the Eight Amendment to the United States Constitution.

111. As a direct and proximate result of defendants' denial to provide medical care to the plaintiff, he suffered direct physical harm as well as residual physical injury from the long-term cumulative effects of being forced to miss his medication for his daibetese and blood pressure.

112. As a direct and proximate result of defendants' denial to provide medical care and considering his medical condition of being care level 4, resulted from his paralyzed condition, and the multiple back surgeries he just received the defendants subjected plaintiff to gratuitous physical, mental and emotional torture for a period of five long harrowing days sleeping on concrete slabs when his condition required special medical care.

113. Plaintiff seeks compensotary damages from defendants lised in ¶ 108 of this Complaint for their violation of his Eight Amendment to the United States Constitution, in the amount of \$10,000,000. (~~Ten~~ million dollers).

EIGHT CAUSE OF ACTION VIOLATIONS OF RIGHT TO EQUAL PROTECTION  
UNDER THE FIFTH AMENDMENT XI.

114. Plaintiff refers to and incorporate by reference the allegations contained in paragraph 1 through 113 of this complaint the same as if they were repeated here in full.

115. Defendants Passiac County Jail, Correctional Health Services, health services staff members whom were on duty for \*2 the period of 11-15-2006 through 11-20-2006, Correctional officers, known and unknown, the warden of Passiac County Jail, and the State of New Jersey, are employees who were acting under color of law during the period in which plaintiff was subjected to a pattern of systematic and invidious discrimination by defendants due to his ethnicity and /or national origin.

116. The pattern of systematic and invidious discrimination inflicted upon the plaintiff was not imposed as the result of any compelling concern or reason, but rather, was done for the sake of discrimination against plaintiff on the basis of his ethnicity and /or origin.

117. Plaintiff has suffered damages as a direct result of defendants' violations of his specific constitutional right to equal protection under the Fifth Amendment to the United States Const.

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\*2 Plaintiff will amend this complaint to reflect the exact names of all medical staff, correctional officers once he is provided with the correct names.

118. As a direct and proximate result of the violations the plaintiff suffered direct physical harm as well as residual physical injury from the long-term cumulative effect of being forced to miss his medication for his diabetes and high blood pressure medications.

119. As a direct and approximate result of defendants' denial to provide medical care to plaintiff, he suffered gratuitous physical, mental and emotional torture for a period of five long harrowing days sleeping on concrete slabs while his medical condition required special care.

120. Plaintiff seeks compensatory damages from defendants listed in ¶ 108 of this complaint for their violation of his Fifth Amendment right to equal protection, in the amount of \$10,000,000.(Ten million dollars).

NINETH CAUSE OF ACTION NEGLIGENCE/GROSS NEGLIGENCE/ BREACH DUTY OF CARE/ RECKLESSNESS AND DISREGARD: XII

121. Plaintiff refers to and incorporates by reference the allegations contained in paragraph 1 through 120 of this complaint the same as if they were repeated here in full.

122. Defendants Passiac County Jail, its Warden, Correctional Health Services, medical staff known and unknown, correctional officers committed negligence, gross negligence, and they breach duty of care they owed to the plaintiff. Defendants further actions constituted recklessness and disregard to plaintiffs' life and safety when they failed to treat and provide medical care for his diabetes, high blood pressure medications.

123. As a direct and proximate result of defendants violations the plaintiff suffered injuries, direct physical harm as well as residual physical injury from the long-term cumulative effect of being forced to miss his medication of diabetes, high blood pressure and other factors associated with this medications.

124. As a direct and approximate result of defendants' denial to provide medical care to plaintiff, he suffered gratuitous physical, mental and emotional torture for a period of five long harrowing days sleeping on concrete slabs.

125. Plaintiff seeks compensatory damages from defendants listed in ¶ 108 of this complaint for their negligence, and gross negligence, breach duty of care, recklessness and disregard to the plaintiff in the amount of \$10,000,000. (Ten million dollars).

**TENTH CAUSE OF ACTION CONSTITUTIONAL RIGHT VIOLATION BY THE NEW JERSEY PUBLIC DEFENDERS OFFICE , AND PETER M. CARTE ATTORNEY XIII.**

126. Plaintiff refers to and incorporates by reference the allegations contained in paragraph 1 through 125 of this complaint the same as if they were repeated in full.

127. Defendants New Jersey Public defenders and attorney Peter M. Carte, violated plaintiff's constitutional rights when they fail to insure that plaintiff received medical care while being detained.

128. Defendants failure caused the violation to occur, and subjected the plaintiff to gratuitous physical, mental and emotional torture for a period of five days, without medications for his diabetes and blood pressure conditions.

129. Defendants were acting under color of state authority at all times were advised by the plaintiff and plaintiff's family of his medical condition and the urgent medical care needed.

130. As a direct and proximate result of defendants violations the plaintiff suffered injuries, direct physical harm as well as residual physical injury from long-term cumulative effect of being forced to miss his medications and denied medical treatment.

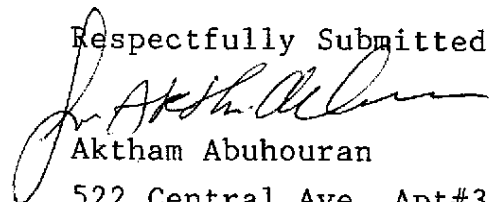
131. Plaintiff seeks compensatory damages from defendants New Jersey Public Defenders office and attorney Peter M. Carte, for their violation of his constitutional rights, in addition to their breach duty of care they owed to the plaintiff in the amount of \$5,000,000. (five million dollars).

132. Plaintiff asserts his right to a jury trial under the Seventh Amendment to the United States Constitution.

133. Plaintiff seeks punitive damages of \$1,000,000. on each of the defendants in this action.

On October 19, 2007

Respectfully Submitted



Aktham Abuhouran

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